

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on November 10, 2009, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: November 10, 2009



A handwritten signature in blue ink, appearing to read "Arthur I. Harris".

Arthur I. Harris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re: Robert John Durst
XXX-XX-4438

) Chapter 13 Case No. 09-17777-H
)
) Hon. Arthur I. Harris
)
) Debtor

**ORDER DISMISSING CASE AND RELEASING
INCOME OF DEBTOR FROM THE JURISDICTION OF THE COURT**

This case came on for hearing on November 5, 2009 upon the Trustee's Motion to Dismiss Case ("Trustee's Motion"). No objection to Trustee's Motion was timely filed.

The Trustee's Motion is granted, and the case is hereby dismissed for the following reason(s):

X The Debtor is in material default in funding the Plan. The Debtor received notice that failure to make required plan payments could result in dismissal without further notice or hearing through the "Additional Notices for Chapter 13 Cases in Cleveland, Ohio" attached to the court-issued "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, and Deadlines."

X The Debtor is in material default in filing the papers required to prosecute the case and to achieve confirmation of the Plan.

X The Debtor failed to appear at the meeting of creditors prescribed by 11 U.S.C. § 341.

The Debtor and/or the Debtor's employer, as well as the future income of the Debtor, is hereby released from the supervision and control of the Court, as well as any order of the Court requiring payments to the Trustee in this case.

Submitted by:

/S/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

200 Public Square, BP Tower Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268 Fax (216) 621-4806

Ch13shopneck@ch13cleve.com

SERVICE LIST

Craig Shopneck, Chapter 13 Trustee

Office of the U.S. Trustee (served via ECF)

All creditors and parties of interest

Robert John Durst, Debtor *Pro Se*

1651 Mentor Ave - #2408

Painesville OH 44077

CS/bas

11/09/09